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SUBJECT: ARIAS MAINTAINS SLIGHT LEAD THE DAY AFTER THE  
FEBRUARY 5 ELECTION

REF: SAN JOSE 270

#### Summary

1. (U) With 89 percent of the polls reporting by the afternoon of February 6, Oscar Arias of the National Liberation Party (PLN) has 40.5 percent of the vote for president and Otton Solis of the Citizens' Action Party (PAC) 40.3 percent. With only 3,250 votes separating the two candidates, the final tally can still go either way. In the 57-member Legislative Assembly, PLN will be the largest party with approximately 25 members and PAC the main opposition party with 18 members. Other important parties are the Libertarian Movement (ML) (6 members) and Social Christian Unity Party (PUSC) (4 members). (Note: These numbers are all projections.) PLN, ML, PUSC, and most of the single-member parties support CAFTA-DR; PAC opposes the treaty. There will be a mandatory manual recount of presidential ballots lasting one to two weeks, but unless there are fewer than 1,000 votes separating Arias and Solis, we have been told we can expect to know who the winner is tomorrow. End summary.

#### Presidential Election

2. (U) Although it appears that Oscar Arias will in the end squeak into the presidency (he has been the frontrunner in all polls since he announced his candidacy for president in March 2004), the election was much, much closer than any polling organization had predicted. Even exit polling showed Arias, of the National Liberation Party (PLN), with a healthy lead over his closest rival, Otton Solis, of the Citizens' Action Party (PAC). The official results announced by the Supreme Electoral Tribunal (TSE) of the first 89 percent of polls reporting, however, showed only 3,250 votes separating Arias (with 40.5 percent) and Solis (with 40.2 percent).

#### Legislative Election

3. (U) Oddly, while the polls greatly underestimated Solis's strength as a presidential candidate, they were mostly on target in the legislative race, at least according to current projections. In the unicameral 57-member Legislative Assembly, the PLN is expected to win 25 seats and PAC 18 seats. The other important parties will be the Libertarian Movement (ML) with 6 seats and Social Christian Unity Party (PUSC) with 4 seats. The remaining 4 seats may be divided between 4 small parties. With regard to one of the first major issues on the legislative agenda, there appears to be a solid majority in favor of the U.S.-Central American-Dominican Republic Free Trade Agreement (CAFTA-DR). Only PAC is staunchly anti-CAFTA-DR; PLN, ML, PUSC, and most of the single-member parties will support the treaty.

#### What Next?

4. (U) The remaining 11 percent of votes still to be counted will probably tell us who the president will be and the exact composition of the Legislative Assembly. We expect all the votes to be tallied by the morning of February 7. Regardless of who comes out ahead (or by how much), there will be a mandatory manual recount that is likely to take one to two weeks before an official winner is declared. Neither candidate is likely to concede before the recount is complete.

#### Atmosphere on Election Day

5. (U) Embassy had 15 credentialed observers, including the Ambassador, visiting some 30 polling places in four different provinces on election day. The mood around the polls was upbeat, even festive, though Costa Ricans told us the election was "quiet" by historical standards. In fact, voter turnout on February 5 continued a downward trend starting from 1998. This election's turnout was 65 percent, compared to 68 percent in 2002, 70 percent in 1998, and an average of 80 percent in the previous four elections.

#### Comment

6. (SBU) There is no doubt that Solis, the candidate against the traditional parties, against economic reform, and against CAFTA-DR, has won a moral victory. He did much better than

anyone, except Solis himself, had predicted. Arias, who on election day (and before) was predicting an easy victory, must be feeling a bit stunned by how close the election turned out to be.

17. (SBU) Arias outspent Solis by many times and had a far bigger and better established organization to back him up. Arias also had stature, experience, vision, ideas, all lacking in Solis. But Arias's famous arrogance hurt him. It came out time and again in interviews when he effectively declared himself the winner or compared himself to John Kennedy. Costa Ricans don't like their leaders too high on their horse. It also caused him to refuse to respond to attacks and challenges from opponents like Solis. An exaggerated confidence in victory caused the PLN to relax a bit on election day. From our own observations, it looked like Solis's supporters did a better job than Arias's of providing transportation to voters who needed it to get to the polls.

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